

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AF HOLDINGS LLC,)	
)	CASE NO.: 1:12-cv-05080
Plaintiff,)	
)	
v.)	Judge: Hon. Suzanne B. Conlon
)	Magistrate: Geraldine Soat Brown
JOHN DOE,)	
)	
Defendant.)	
)	
)	
)	
)	

**PLAINTIFF’S RENEWED MOTION FOR ADMINISTRATIVE RELIEF
FOR LEAVE TO CONTINUE STATUS HEARING**

Plaintiff AF Holdings LLC hereby files this renewed motion for administrative relief and respectfully requests that the Court reschedule the status hearing set for August 8, 2012. (ECF No. 8.) In Plaintiff’s original motion to continue the status hearing Plaintiff explained that it had good cause to do so because Plaintiff’s counsel had to attend another out-of-state legal matter and was unable to find an adequate replacement. (ECF No. 10.) The Court denied Plaintiff’s original motion for two reasons: 1) Plaintiff’s motion was untimely as the “status hearing was set more than a month ago,” and 2) “plaintiff’s counsel failed to appear for a hearing on a motion he filed and notice on the court’s docket on July 11, 2012.” (ECF No. 11.) Plaintiff submits this renewed motion in order to address the Court’s concerns.

First, Plaintiff’s counsel learned of the out-of-state legal matter only within the last few days, and filed its motion for leave to continue the status hearing in a timely manner shortly thereafter. (*See* Declaration of Paul Duffy ¶ 2, attached hereto as Exhibit A). While the status hearing has been set for more than a month, Plaintiff was aware of the conflict in legal matters for a far shorter period of time. Plaintiff’s original motion was not untimely.

Second, Plaintiff's counsel did, in fact, attend the July 11, 2012 hearing before this Court. (*Id.* ¶ 3.) Indeed, Plaintiff's counsel attended the July 11, 2012 hearing in regard to two similar discovery motions before this Court, one of which was filed in the instant case and the other was filed in the action pending in *Ingenuity13 LLC v. John Doe*, 12-cv-4238 (N.D. Ill. 2012). While Plaintiff argued both motions before the Court, the Court granted Plaintiff's discovery motion in the *Ingenuity* case (*id.*, ECF No. 10), but denied the discovery motion in the instant case on the basis that Plaintiff's counsel did not attend the hearing for the second motion. (ECF No. 9.) Ostensibly, confusion arose from the fact that two similar motions were argued on the same day. When Plaintiff's counsel learned of the misunderstanding, Plaintiff's counsel contacted the Court's staff and informed them of this fact. (Declaration of Paul Duffy ¶ 3.) The Court's staff agreed that Plaintiff's counsel had attended the July 11, 2012 hearing before this Court. (*Id.*)

Because Plaintiff's counsel cannot simultaneously attend both hearings, Plaintiff has good cause for continuance of the status hearing and respectfully requests that the Court reschedule the status hearing to a future date convenient for the Court and not dismiss the case "for want of prosecution," particularly in light of the fact that Plaintiff's counsel has fully prosecuted this case at every opportunity.

Respectfully submitted,

AF Holdings LLC

DATED: August 7, 2012

By: /s/ Paul Duffy
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 7, 2012, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system.

/s/ Paul Duffy
Paul Duffy